

**ENTERED**

December 16, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**JAMES SCHORSCH,**

**Plaintiff,**

**v.**

**EVELYN CASTROL, ET AL.,**

**Defendants.**

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**Civil Action No. 2:21-CV-00109**

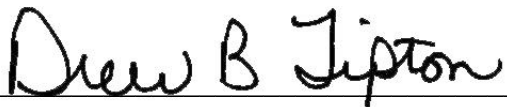
**ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION**

Pending before the Court is the Memorandum and Recommendation (“M&R”) of Magistrate Judge Jason Libby. (Dkt. No. 7). Magistrate Judge Libby recommends the Court dismiss James Schorsch’s Section 1983 claims because he did not pay the filing fee or show cause as to why he cannot. Fed. R. Civ. P. 41(b). *See, e.g., Coleman v. Sweetin*, 745 F.3d 756 (5th Cir. 2014) (district courts may *sua sponte* dismiss a case under Rule 41(b)).

Schorsch did not object after he was provided proper notice and the opportunity. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). So, review is for plain error. *Hawes v. Stephens*, 964 F.3d 412, 415 (5th Cir. 2020). There is none. Thus, the Court **ACCEPTS** the M&R as that of the Court and **DISMISSES WITHOUT PREJUDICE** Schorsch’s claims.

It is SO ORDERED.

Signed on December 16, 2021.

  
DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE